

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

ERIE INSURANCE EXCHANGE, ET AL. :  
 :  
 v. : CIVIL NO. CCB-03-143  
 :  
 SONY ELECTRONICS INC. :  
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**MEMORANDUM**

Now pending is the plaintiffs' motion to dismiss this case without prejudice filed July 11, 2003 (docket no.14). It has been opposed by the defendant. No reply was filed.

The motion to dismiss without prejudice will be denied. This case was removed here from Baltimore County Circuit Court on January 15, 2003. A discovery schedule was set on February 4, 2003. Significant discovery has been undertaken by the defendant, including the retention and designation of several experts, a physical inspection of the remains of the product claimed to be defective; and efforts to obtain discovery from the plaintiffs. It appears that the plaintiffs' expert has no present theory of how any alleged defect in the Sony TV caused the fire at issue in this case. Plaintiffs' counsel, having learned that lowering the ad damnum will not divest the court of jurisdiction, seeks to dismiss only so that plaintiffs can refile this case in state court, which will unfairly prejudice the defendant.

Considering the factors enunciated in Teck General Partnership v. Crown Central Petroleum Corp., 28 F. Supp. 2d 989, 991 (E.D. Va. 1998), the motion to dismiss without prejudice will be denied by separate Order.

November 17, 2003

/s/

Date

Catherine C. Blake  
United States District Judge